



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: OCE-084

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Owner, President or Manager
All c True Value Hardware
36200 Euclid Avenue
Willoughby, OH 44094-4400

Re: Stop Sale, Use or Removal Order for products manufactured by RepelleX Lawn and Garden Products, Inc. (Docket Number FIFRA-10-2006-0106).

Dear Owner, President or Manager:

Enclosed is a Stop Sale, Use or Removal Order (Order), effective immediately upon receipt, which prohibits the sale or distribution of certain products manufactured by RepelleX Lawn and Garden Products, Inc. (RepelleX), of Port Coquitlam in British Columbia, Canada. This prohibition pertains to those products claimed by RepelleX to contain Quarternary Ammonium Salts which are under your control, ownership, or custody.

The United States Environmental Protection Agency (EPA) has determined that any RepelleX product which is claimed to contain Quarternary Ammonium Salts is a pesticide that is subject to the registration requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). RepelleX has not registered these products in accordance with FIFRA, and is, therefore, illegally selling and distributing unregistered pesticides in the United States.

Information collected during inspections and review of import documents reveals that your company has purchased products from RepelleX during the past year, and this may have included the purchase of illegal pesticides. To date, EPA is aware of the following three unregistered products sold by RepelleX that are claimed to contain Quarternary Ammonium Salts: RepelleX 14-2-2 ML2 Fertilizer Tablets; RepelleX Deer Repellent Concentrate; and Bulb Saver Concentrate. Please review your inventory and make sure you do not have these products or any other RepelleX products claimed to contain Quarternary Ammonium Salts. If you have any such products, please remove them from the sales shelves, record them in your inventory, and dispose of them in accordance with state and local laws.

On September 23, 2004, EPA sent a letter to Amar Grewal, President of RepelleX, warning against the shipping of any unregistered pesticides into the United States. The letter informed Mr. Grewal of the illegal status of the 14-2-2 ML2 Fertilizer Tablets and stated;

In 30 days from the date of this letter the EPA will refuse entry on all attempted imports of RepelleX Fertilizer Tablets 14-2-2 and will notify U.S. Customs and Border Protection that this product is in violation of FIFRA and cannot be imported into the U.S. We will also conduct periodic inspections of your other products being imported into the U.S. to assure that they comply with FIFRA. Please note that importing unregistered pesticides into the U.S. is prohibited. Illegal products may be seized and destroyed, and the shipper and importer may be assessed civil penalties of up to \$6,500 per violative act.

Recent inspections reveal that RepelleX has been illegally shipping the tablets as well as other products claimed to contain Quarternary Ammonium Salts into the United States without notifying EPA. Again, all RepelleX products that are claimed to contain Quarternary Ammonium Salts must be removed from your sales shelves, inventoried, and disposed of properly. Please note that the continued import, sale, or distribution of RepelleX products in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. ' 136j(a)(1)(A), could subject you to civil penalties of up to \$6,500 per shipment. Furthermore, any violation of the enclosed Order may result in the imposition of civil or criminal penalties as prescribed by Section 14 of FIFRA, 7 U.S.C. § 136l. The Order does not preclude EPA from pursuing other enforcement actions related to this or any other case

The Order shall remain in effect indefinitely. Please provide a written response within 30 days of receipt of this letter to Chad Schulze, Pesticide Compliance Officer, and describe the steps you will take to comply with the conditions outlined in the Order. In your response please provide inventory and disposal records of all applicable RepelleX products. If you have questions, please contact Mr. Schulze by telephone at (206) 553-0505 or at the address specified below.

Chad Schulze
U.S. EPA Region 10
Pesticides and Toxics Unit, OCE-084
1200 6th Avenue
Seattle, WA 98101

Sincerely,

Michael A. Bussell, Director
Office of Compliance and Enforcement

Enclosure

cc: Mary McDonnell, EPA HQ
EPA Regions
RepelleX Lawn and Garden Products, Inc.

CONCURRENCES						
Initials:						
Name:	C. Schulze	L. Frandsen	ORC	S. Downey		
Date:						

Communication Plan

Background: For two years (2003 and 2004) EPA Region 10 provided extensive Compliance Assistance to RepelleX in an attempt to bring their many pesticide products into compliance with FIFRA and the Minimum Risk Pesticide Exemption. One product, 14-2-2 Fertilizer Tablets (a deer repellent containing Quaternary Ammonium Salts (benatonium benzoate)), did not meet the criteria for exemption and therefore needed to be registered with EPA to be legally sold or distributed in the United States. In response to a September 23, 2004, Warning Letter from EPA, RepelleX stated that they would discontinue selling the illegal product and requested a grace period to sell existing stocks. EPA agreed to allow them to sell existing stocks till January 31, 2005. On December 29, 2005, a Customs and Border Protection (CBP) Agent notified EPA that RepelleX was shipping several products into the United States through their Harbor Island (Seattle, WA) office. On January 4, 2006, EPA conducted an import inspection of the shipment and discovered that RepelleX was still shipping the unregistered 14-2-2 Fertilizer Tablets into the United States. The other products now known to claim to contain "Quaternary Ammonium Salts" (RepelleX Deer Repellent Concentrate, and Bulb Saver Concentrate) were found during a marketplace inspection conducted by the Oregon Department of Agriculture. These Stop Sale Orders are being sent to all importers or consignees, and to any distributor that has purchased or sold RepelleX products in the last year. The SSUROs notify the recipient that future imports, sales, or distributions of illegal RepelleX products will subject them to civil penalties of up to \$6,500 per act. RepelleX is being carbon copied on every SSURO.

<u>Action</u>	<u>Responsible Person</u>
1) Confer with Press Office	Chad Schulze/ Scott Downey
2) Stop Sales Signed	Mike Bussell
3) Stop Sales Routed	Chad Schulze
4) Stop Sales Mailed	Amy Le'Feat
5) Notify EPA Regions	Chad Schulze
6) FYI Operations Offices	Chad Schulze
7) FYI to Canadian PMRA	Chad Schulze
8) FYI to EPA HQ's	Chad Schulze
9) FYI to State Lead Agencies	Chad Schulze